

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**JIMMY M. SMITH,**

**Plaintiff,**

**v.**

**JOHN H. MOONEY; ACIN LLC; and NRP  
(OPERATING) LLC,**

**Defendants.**

**Case No. 1:10cv00067**

**STIPULATION OF DISMISSAL**

**COME NOW** the parties, by and through counsel, and, due to Defendants' submission of information regarding the absence of diversity of citizenship under 28 U.S.C. §1332, do hereby stipulate to the dismissal of this action pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Such dismissal is without prejudice, with each party to bear their own costs.

Respectfully submitted, this the 4th day of January, 2011.

**JOHN H. MOONEY, ACIN LLC and  
NRP (OPERATING) LLC,**

**DEFENDANTS**

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